

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MICHAEL D. RAYMOND, et al.,

Plaintiff,

vs.

No. CIV-09-177 ACT/RHS

BRYAN NEAL, et al.,

Defendants.

ORDER ON STATEMENT OF THE CASE

This matter comes before the Court *sua sponte* regarding the State of the Case to be read to the jury panel before jury selection begins. After reviewing Plaintiffs' Proposed Statement of the Case [Doc. 72] and Defendants' Proposed Statement of the Case [Doc. 73] the Court will read the following Statement of the Case to the jury panel before jury selection begins.


STATEMENT OF THE CASE

Plaintiff Michael D. Raymond claims that on January 30, 2007, he was falsely arrested by Defendant Bryan Neal and was subjected to excessive force when being taken into custody. Mr. Raymond contends he suffered injuries as a result of the force used. Mr. Raymond also claims he was falsely imprisoned. All of the Plaintiffs claim they were subjected to harassment, fraud, defamation, false eviction and malicious prosecution when Defendant Joe Martinez inspected their residence on February 1, 2007 and cited them for multiple zoning violations, causing them to have to leave their home for approximately six days while the zoning violations

were repaired.

Defendants deny Plaintiffs' contentions and claim that Defendant Neal used only that degree of force necessary to control and arrest Defendant Michael D. Raymond. Defendants further claim that all actions taken in the subsequent inspection and citing of Defendants' residence as substandard on February 2, 2007 complied with all applicable laws. In addition, Defendants' claim Plaintiffs entered into an agreement with the City in 2007 resolving all of their zoning claims and releasing the City from liability.

IT IS SO ORDERED.


ALAN C. TORGERSON
United States Magistrate Judge